

REMARKS

Preliminarily, Applicants request the Examiner to acknowledge receipt of the certified copies of the priority documents filed December 10, 2004. Additionally, Applicants respectfully request the Examiner to return initialed Form PTO/SB/08 A&B (modified) for the Information Disclosure Statement filed December 10, 2004.

Claims 7-9 and 16 stand rejected over prior art; claims 1-6 and 17-25 were withdrawn from consideration as being directed to a non-elected invention; and claims 10-15 were objected to as being allowable if rewritten in independent form.

Claims 7, 8 and 9 have been amended to more particularly recite that one or more of said at least one silver halide emulsion layer contains in the same silver halide emulsion layer at least two silver halide emulsions with 90 mole% or more of silver chloride which have different sensitivities from each other. Support is found, for example, at page 89, lines 7-12 of the specification.

New claims 26-28 depending from claims 7-9, respectively, find support at page 89, lines 7-12 of the specification. Claims 10-15 have been rewritten independent form as new claims 29-40, respectively. Claims 1-6 and 17-25 withdrawn from consideration at being directed to a non-elected invention have been canceled without prejudice. Applicants reserve the right to file a divisional application directed to the canceled subject matter.

Entry of the amendments and reconsideration on the merits are requested.

Claims 7 and 16 were rejected under 35 U.S.C. § 103(a) as being obvious over either U.S. Patent 6,727,054 to Aiba et al or U.S. Patent 6,706,468 to Aiba et al in view of U.S. Patent 5,162,195 to Inagaki.

Claims 7-9 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,783,378 to Mydlarz in view of Inagaki.

The Examiner cited each of Aiba '054 and '468 as disclosing a photographic material including a silver halide emulsion layer having silver chloride content of at least 90 mole% and further containing an iridium metal complex within the scope of claim 7. The Examiner relied on Inagaki as disclosing the use of a high silver chloride content silver halide emulsion in three layers each having different sensitivities. The reason for rejection was that it would have been obvious to employ the high silver chloride content emulsion (as doped with an Ir complex) of Aiba '054 or '468 in emulsion layers each having different sensitivities as taught by Inagaki so as to obtain the advantages of a high silver chloride content silver halide emulsion.

The Examiner cited Mydlarz et al as disclosing a photographic material including a high silver chloride content silver halide emulsion including a class (i) dopant said to be within the scope of present formula (II) and a class (iii) dopant said to be within the scope of formula (I) of the present claims. The Examiner relied on Inagaki as disclosing a photographic material including three high silver chloride content silver halide emulsions each having different sensitivities. The reason for rejection was that it would have been obvious to employ the doped high silver chloride silver halide emulsion layer of Mydlarz et al in more than one silver halide

emulsion layer of different sensitivity so as to obtain the advantages associated with the use of high silver chloride content silver halide emulsions (as taught by Inagaki).

Applicants traverse, and respectfully request the Examiner to reconsider for the following reasons.

As described at page 89, lines 20-23 of the specification, in a preferred embodiment of the invention, the at least two silver halide emulsions with 90 mole% or more of silver chloride and different sensitivities from each other are preferably mixed in the same silver halide emulsion layer. The amendment to claims 7-9 reflects this preferred embodiment of the invention.

Inagaki fails to disclose or suggest a photographic material containing at least two silver halide emulsions having different sensitivities from each other in the same silver halide emulsion layer as claimed.

Rather, Inagaki discloses a photographic material which has at least three silver halide layers each containing yellow-coloring, magenta-coloring or cyan-coloring couplers, at least two of the layers being color-sensitized so that they have a maximum value of color sensitivity at a different wavelength of 670 nm or more and at least one of the layers being made of a high silver chloride emulsion having a layer average silver chloride content of 90 mol% or more. Thus, the silver halide emulsion layers in Inagaki have sensitivities differing from one another, but none of the layers contains at least two silver halide emulsion layers having sensitivities different from one another in the same (single) layer. Furthermore, in each working example of Inagaki, one single silver halide emulsion is used to form one silver halide emulsion layer.

Moreover, Inagaki fails to teach or suggest the embodiment of claims 26-28, where the at least two silver halide emulsions with 90 mole % or more of silver chloride having different sensitivities further differ in terms of grain size, grain structure, type of additive or amount of additive.

Moreover, it is respectfully submitted that there is overall lack of motivation to choose the specific references selected and applied by the Examiner from the among the abundant published patents related to silver halide photographic light-sensitive materials, and to then combine their respective disclosures. The present invention is not achieved even if the disclosure of Inagaki is combined with the disclosures of the other cited references.

For the above reasons, it is respectfully submitted that claims 7-9 and 16 are patentable over the cited prior art, and withdrawal of the foregoing rejections is respectfully requested.

Withdrawal of all rejections and allowance of claims 7-9, 16 and 26-40 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/608,185

Q76207

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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